

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Joe Turnham for Congress, and Pete Turnham)
in his official capacity as treasurer; Joseph R. Turnham;)
Pete Turnham)

2006 NOV -6 P 3: 05
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SENSITIVE

GENERAL COUNSEL'S REPORT # 3

I. ACTIONS RECOMMENDED

Accept the attached signed joint conciliation agreement with Joe Turnham for Congress, and Pete Turnham in his official capacity as treasurer; Joseph R. Turnham; and Pete Turnham ("Respondents"); and close the file.

II. BACKGROUND

On November 3, 2005, the Commission found, *inter alia*, reason to believe that Pete Turnham violated 2 U.S.C. §§ 441a(a)(1)(A) and (a)(3) in connection with contributions he made to Joe Turnham for Congress ("the Committee") directly and through the candidate, Joseph R. Turnham, that exceeded the limitations of the Federal Election Campaign Act of 1971, as amended, ("the Act").¹ See First General Counsel's Report dated October 28, 2005 ("FGCR"). The Commission further found reason to believe that the Committee and Joseph R. Turnham violated 2 U.S.C. § 441a(f) in connection with their receipt of Pete Turnham's excessive contributions as well as their receipt of excessive contributions from various other individuals and a trust. *Id.* Following the investigation, on May 16, 2006, the Commission authorized probable cause to believe conciliation with the Respondents in connection with these violations,

¹ With the exception of an excessive contribution made by Pete Turnham, all of the facts in this matter occurred prior to the effective date of the Bipartisan Campaign Reform Act of 2002 ("BCRA"), Pub. L. 107-155, 116 Stat. 81 (2002). Accordingly, unless specifically noted to the contrary, all citations to the Federal Election Campaign Act of 1971, as amended ("the Act"), herein are as it read prior to the effective date of BCRA and all citations to the Commission's regulations herein are to the 2002 edition of Title 11, Code of Federal Regulations, which was published prior to the Commission's promulgation of any regulations under BCRA.

and further approved a joint conciliation agreement containing an admission of the violations, a prohibition on future violations at issue, and a civil penalty

The civil penalty check has not yet been

received. For the reasons discussed below, we recommend that the Commission accept the attached joint conciliation agreement and close the file.

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IV. RECOMMENDATIONS

1. Accept the attached signed joint conciliation agreement with Joe Turnham for Congress, and Pete Turnham in his official capacity as treasurer; Joseph R. Turnham; and Pete Turnham.
2. Approve the appropriate letters.
3. Close the file.

Lawrence H. Norton
General Counsel

November 9, 2006
Date

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Christine C. Gallagher
Attorney

Attachment:
Signed Conciliation Agreement

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